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EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/376,748		LAND ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Khanh B. Pham		2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-38 and 40-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-38 and 40-53 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed June 30, 2004 has been entered.
  - Claims 1, 3, 5, 13, 33, 37, 48, 50-51 have been amended.
  - Claims 4, 39 have been canceled.
  - Claims 1-3, 5-38, 40-53 are pending in this Office Action.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: the word "Method" at line 1 should be changed to "method".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-16, 19-30, 37, 48, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. (US 6,021,412) and in view of Murakami et al. (US 6,108,674).

**As per claim 5**, Ho teaches "a method for obtaining an image from a database for insertion into a document" (Col. 1 lines 35-40) comprising:

- “enabling an automatic creation of a query directly from the indicated text, the query having a data structure that is recognizable by a search engine for the database” at Col. 1 lines 50-67
- “wherein the indicated text comprises a selection of a nearest word to a cursor when no indicated text is provided” at Col. 3 line 63 to Col. 4 line 2;
- “providing the query to the search engine, the search engine searching the database for an image that is related to the indicated text” at Col. 1 lines 63-67;
- “returning the result from the query of the database, the result indicating when at least one image is related to the indicated text” at Col. 1 lines 63-67;
- “enabling the display of at least one image indicated by the result from the query, a displayed image being selectable for insertion into the document” at Col. 1 line 67 to Col. 2 line 5.
- “displaying a related image that is inserted into the document, so that the related image is associated with the indicated text in the document” at Fig. 12.

The difference between Ho and the invention of claim 5 is that Ho’s method requires user to select a word from the list of concept matching words to create the query, and therefore Ho does not teach: “ the query is created without having a user make a selection for the query in a separate document”. However, Murakami teaches a similar method for searching a database to obtain an object that is related to an indicated object in a document (Col. 4 line 5 to Col. 5 line 30), wherein “the query is created without having a user make a selection for the query in a separate document”.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ho's method to automate the step of "having a user to make a selection for the query in a separate document" as suggested by Murakami, in order to provide a more efficient method that reduces labor, time and burden on the user.

**As per claim 6**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: "employing a user interface component to automatically create the query for the database, the creation of the query being related to the indicated text" at Fig. 2-4 and Figs 7-9.

**As per claim 7**, Ho and Murakami teach the same as stated in claim 6 above. Ho teaches: "the user interface component enables the indicated text to be edited" at Col. 3 line 63 to Col. 4 line 2.

**As per claim 8**, Ho and Murakami teach the same as stated in claim 6 above. Ho also teaches: "the user interface component enables the indicated text to be chosen in the document" at Col. 3 lines 40-50.

**As per claim 9**, Ho and Murakami teach the same as stated in claim 8 above. Ho also teaches: "choosing the indicated text in the document for the query of the database from within an application program that provides the document" at Col. 3 lines 50-55.

**As per claim 10**, Ho and Murakami teach the same as stated in claim 9 above. Ho also teaches "choosing a command to create the query for the indicated text, the command including an indication in a context menu, drop-down menu, pop-up window, dialogue box, toolbar and hot key" at Fig. 4.

**As per claim 11**, Ho and Murakami teach the same as stated in claim 8 above. Ho also teaches: “choosing the indicated text in the document for the query of the database from an application program that is separate from another application program that provides the document” at Col. 4 lines 20-25.

**As per claim 12**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: “enabling the indicated text to be chosen in another application program that does not provide the document, including a clipboard program” at Col. 4 lines 20-25.

**As per claim 13**, Ho and Murakami teach the same as stated in claim 6 above. Ho also teaches:

- “enabling a qualification engine to determine a context of the indicated text within the document” at Col. 1 lines 50-65.
- “providing the context of the indicated text to the user interface component, the user interface component employing the context of the indicated text to automatically create the query for the database” at Figs. 6-9.

**As per claim 14**, Ho and Murakami teach the same as stated in claim 13 above. Ho also teaches: “the determined context of the indicated text includes text, template, sound, video, picture, use and user preference” at Col. 9 lines 25-30.

**As per claim 15**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches “the search engine is a local search engine, the local search engine employing the query to search for related images on a local drive that includes the database” at Col. 4 lines 3-25.

**As per claim 16**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: " the local drive includes hard disk, floppy disk, tape drive, DVD and CD-ROM" at Col. 4 lines 3-10.

**As per claim 19**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: "further comprising employing a result component to manage the result of the query returned by the search engine, the result component enabling the parsing, storing and display of the result of the query" at Col. 3 lines 30-35.

**As per claim 20**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: "the result is in a metadata format" at Col. 6 lines 15-20.

**As per claim 21**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: "requesting at least one related image from the database that is indicated by the result of the query, the related image being provided as binary image data" at Col. 3 lines 30-35.

**As per claim 22**, Ho and Murakami teach the same as stated in claim 21 above. Ho also teaches: "employing an image component for managing the storage and display of binary image data" at Figs. 10-11.

**As per claim 23**, Ho and Murakami teach the same as stated in claim 21 above. Ho also teaches: "employing a navigation component to provide at least one control for displaying at least one related image" at Figs. 10-11.

**As per claim 24**, Ho and Murakami teach the same as stated in claim 21 above. Ho also teaches: "a navigation component enables the display of a group of

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related images in a slide show, the group of related images being indicated in the result from the query” at Figs. 10-11.

**As per claim 25**, Ho and Murakami teach the same as stated in claim 24 above. Ho also teaches: “the navigation component enables another group of related images to be displayed in the slide show, the other group of related images being indicated in the result from the query” at Figs. 10-11.

**As per claim 26**, Ho and Murakami teach the same as stated in claim 24 above. Ho also teaches: “the navigation component includes a control for determining a period of time that each related image is displayed in the slide show” at Figs. 10-11.

**As per claim 27**, Ho and Murakami teach the same as stated in claim 24 above. Ho also teaches: “the navigation component includes a control for indicating the number of the related image in the group that is currently displayed in the slide show” at Figs. 10 – 11.

**As per claim 28**, Ho and Murakami teach the same as stated in claim 25 above. Ho also teaches: “the navigation component includes a control for indicating each group of related images that are currently displayed in the slide show” at Figs. 10 – 11.

**As per claim 29**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: “enabling a help facility to provide an explanation of a chosen topic and the help facility being launched in response to an input” at Figs. 10-11.



**As per claim 30**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: “the display of at least one related image further comprises displaying a thumbnail of the related image” at Figs. 10-11

**As per claim 37**, Ho and Murakami teach the same as stated in claim 5 above. Ho also teaches: “each time indicated text is employed to create the query, automatically saving the indicated text as an entry in a history file; and enabling at least one of the entries in the history file to be chosen for the currently indicated text” at Figs. 6-9.

**As per claim 48**, Ho teaches “a system for obtaining an image from a database for pasting into a document” (Col. 1 lines 35-40) comprising:

- “a client process for causing functions to be performed, including: enabling an automatic creation of a query directly from the indicated text that is located within the document, the query having a data structure that is recognizable by a search engine for the database” at Col. 1 lines 50-67;
- “wherein the indicated text comprises a selection of a nearest word to a cursor” at Col. 3 line 63 to Col. 4 line 2;
- “providing the query to the search engine, the search engine searching the database for an image that is related to the indicated text” at Col. 1 lines 63-67;
- “enabling a display of at least one related image indicated by the result from the query, the display of a related image being selectable for insertion into the document” at Col. 3 lines 30-35;

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- “displaying the related image that is inserted into the document, the related image being associated with the indicated text in the document” at Figs. 10-11;
- “a server process for causing functions to be performed, including: returning the result from the query of the database, the result indicating when at least one image is related to the indicated text” at Col. 3 lines 25-30;
- “enabling the search engine to locate at least one image in the database that is related to the indicated text” at Col. 3 lines 25-30.

The difference between Ho and the invention of claim 48 is that Ho's method requires user to select a word from the list of concept matching words to create the query, and therefore Ho does not teach: “ the query is created without having a user make a selection for the query in a separate document”. However, Murakami teaches a similar method for searching a database to obtain an object that is related to an indicated object in a document (Col. 4 line 5 to Col. 5 line 30), wherein “the query is created without having a user make a selection for the query in a separate document”.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ho's method to automate the step of “having a user to make a selection for the query in a separate document” as suggested by Murakami, in order to provide a more efficient method that reduces labor, time and burden on the user.

**As per claim 50**, Ho teaches “a computer readable medium having computer-executable components” comprising:

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- “a component for automatically creating a query directly from indicated text, the query having a data structure that is recognizable by a search engine for a database” at Col. 1 lines 50-67;
- “wherein the indicated text comprises a selection of a nearest word to a cursor” at Col. 3 line 63 to Col. 4 line 2;
- “a component for providing the query to the search engine, the search engine searching the database for an image that is related to the indicated text” at Col. 1 lines 63-67;
- “a component for returning the result from the query of the database, the result indicating when at least one image is related to the indicated text” at Col. 1 lines 63-67;
- “a component for enabling the display of at least one related image indicated by the result from the query, the display of the related image being selectable for insertion into the document” at Col. 3 lines 30-35;
- “a component for displaying the related image that is inserted into the document, so that the related image is associated with the indicated text in the document” at Fig. 12.

The difference between Ho and the invention of claim 50 is that Ho's method requires user to select a word from the list of concept matching words to create the query, and therefore Ho does not teach: “ the query is created without having a user make a selection for the query in a separate document”. However, Murakami teaches a similar method for searching a database to obtain an object that is related to an

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indicated object in a document (Col. 4 line 5 to Col. 5 line 30), wherein "the query is created without having a user make a selection for the query in a separate document".

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ho's method to automate the step of "having a user to make a selection for the query in a separate document" as suggested by Murakami, in order to provide a more efficient method that reduces labor, time and burden on the user.

5. **Claims 1-3, 18, 31-36, 38, 40-47, 49, 51-53 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Ho and Murakami as applied to claims 1-3, 5-16, 19-30, 37, 39, 48, 50 above, and further in view of Balogh et al. (U.S Patent 5,493,677).

**As per claim 1**, Ho teaches a method for searching a database comprising:

- "automatically creating a query directly from the indicated object, the query having a data structure that is recognizable by a search engine for the database," at Col. 1 lines 50-63 and Fig. 8;
- "wherein the query is created by selecting a nearest word to a cursor" Col. 3 line 63 to Col. 4 line 2;
- "providing the query to the search engine, the search engine searching the database for at least one object that is related to the indicated object" at Col. 1 lines 63-67 and Figs. 9-10;
- "returning the result from the query of the database, the result indicating when at least one object is related to the indicated object" at Col.1 lines 63-67 and Fig. 10;

- “producing a display of a related object, so that the related object may be associated with the indicated object” at Col. 1 line 67 to Col. 2 line 3 and Fig. 12.
- “inserting the purchased object into the document so that the indicated object is displayed with the indicated text” at Fig. 12

The difference between Ho and the invention of claim 1 is that Ho's method requires user to select a word from the list of concept matching words to create the query, and therefore Ho does not teach: “ the query is created without having a user make a selection for the query in a separate document”. However, Murakami teaches a similar method for searching a database to obtain an object that is related to an indicated object in a document (Col. 4 line 5 to Col. 5 line 30), wherein “the query is created without having a user make a selection for the query in a separate document”.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ho's method to automate the step of “having a user to make a selection for the query in a separate document” as suggested by Murakami, in order to provide a more efficient method that reduces labor, time and burden on the user.

Ho and Murakami does not teach the step of “indicating the related object is to be purchased over a network; and providing financial information to an electronic commerce service over the network, the electronic commerce service enabling the purchase of the related object when the financial information is complete”.

However, Balogh teaches the cited steps as “if the user selects the pricing button from lightbox commands area or info screen commands area, pricing screen is displayed, enabling the user to purchase rights to, and obtain delivery of, selected

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images ...” at Col. 17 lines 25-65. Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Ho and Murakami database searching method with Balogh’s purchasing step so that “the user may order and obtain delivery of selected images directly over a computer connection” (Balogh, Col. 2 lines 5-7).

**As per claim 2**, Ho, Murakami and Balogh teach the same as stated in claim 1 above. Ho also teaches: “the indicated object and the related object include data, the data comprising video, picture, sound, and text” at Col. 3 lines 1-10.

**As per claim 3**, Ho, Murakami and Balogh teach the same as stated in claim 1 above. Ho also teaches:

- “enabling a qualification engine to determine a context of the indicated object” at Col. 1 lines 50-65;

“employing the context of the indicated object to automatically create the query for the database” at Col. 1 lines 63-67.

**As per claim 18**, Ho and Murakami teach the same as stated in claim 5 argument. Balogh’s teaches the step of “employing a network component to communicate with the search engine over a network, the network including an intranet and the Internet” at Fig. 11.

**As per claim 31**, Ho and Murakami teach the same as stated in claim 5 arguments. Balogh’s teaches the step of “including a digital watermark with the related

image, the digital watermark including information related to the content of the related image” at Fig. 5.

**As per claim 32**, Ho and Murakami teach the same as stated in claim 5 arguments. Balogh teaches: “including a cookie with the query, the cookie including information related to a user” at Col. 9 lines 15-35.

**As per claim 33**, Ho and Murakami teach the same as stated in claim 5 argument. Ho also teaches the step of “inserting a higher quality image into the document so that the higher quality image is displayed with the indicated text” at Fig. 12. Balogh teaches the step of “indicating a higher quality image of the related image is to be purchased over a network; and providing financial information to an electronic commerce service over the network, the electronic commerce service enabling the purchase of the higher quality image when the financial information is complete” at Col. 17 lines 25-65.

**As per claim 34**, Ho and Murakami teach the same as stated in claim 5 argument. Balogh teaches “employing an electronic shopping cart to store a potential purchase of the higher quality image” at Col. 17 lines 25-40.

**As per claim 35**, Ho and Murakami teach the same as stated in claim 5 argument. Balogh teaches: “enabling a parameter of the higher quality image to be indicated” at Col. 17 lines 28-38.

**As per claim 36**, Ho and Murakami teach the same as stated in claim 5 argument. Balogh teaches: “enabling a use of the higher quality image to be indicated” at Col. 17 lines 50-55.

**As per claim 38**, Ho and Murakami teach the same as stated in claim 5 argument. Balogh teaches: “embedding a URL with the related image pasted into the document, the URL providing a link to information associated with the related image” at Col. 17 lines 2-12.

**As per claim 40**, Ho and Murakami teach the same as stated in claim 18 argument. Balogh teaches: “ the network component employs a transmission device to automatically connect to the search engine for the database, the transmission device including cable modem, network interface card, telephony modem, satellite dish and radio transceiver” at Col. 16 lines 20-40.

**As per claim 41**, Ho and Murakami teach the same as stated in claim 18 argument. Balogh teaches the step of “employing the network component to automatically connect to the search engine for the database when the search engine is remotely located from the indicated text” at Col. 16 lines 20-40.

**As per claim 42**, Ho and Murakami teach the same as stated in claim 18 argument. Balogh teaches: “the network component employs a proxy server to automatically connect to the search engine for the database” at Fig. 11.

**As per claim 43**, Ho and Murakami teach the same as stated in claim 18 argument. Balogh teaches: “the network component employs a dial up facility to automatically connect to the search engine for the database” at Col. 16 lines 25-40.

**As per claim 44**, Ho and Murakami teach the same as stated in claim 18 argument. Balogh teaches: “the network component launches a browser to automatically connect to the search engine for the database” at Col. 16 lines 40-50.



**As per claim 45**, Ho and Murakami teach the same as stated in claim 18 argument. Balogh teaches: "the network component automatically connects to the search engine" at Col. 16 lines 20-40.

**As per claim 46**, Ho and Murakami teach the same as stated in claim 18 argument. Balogh teaches: "the network component launches a browser to manage a purchase of a higher quality image associated with the related images" at Col. 17 lines 39-65.

**As per claim 47**, Ho and Murakami teach the same as stated in claim 18 argument. Balogh teaches: "the network component manages a purchase of a higher quality image associated with the related image" at Col. 17 lines 39-65.

**As per claim 49**, Ho and Murakami teach the claimed invention as discussed above. Ho also teaches the step of "inserting the higher quality image into the document so that the higher quality images is displayed with the indicated text" at Fig. 12.

Ho and Murakami do not teach the steps of: "indicating a higher quality image of the related image is to be purchased over a network; and providing financial information to an electronic commerce service over the network, the electronic commerce service enabling the purchase of the higher quality image when the financial information is complete".

However, Balogh teaches the cited steps as "if the user selects the pricing button from lightbox commands area or info screen commands area, pricing screen is

displayed, enabling the user to purchase rights to, and obtain delivery of, selected images ..." at Col. 17 lines 25-65.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Ho's image database searching method with Balogh's purchasing step so that "the user may order and obtain delivery of selected images directly over a computer connection" (Balogh, Col. 2 lines 5-7).

**As per claim 51**, Ho teaches a method for searching an image database comprising:

- "automatically creating a query related to an indicated object, the query having a data structure that is recognizable by a search engine for the database" at Col. 1 lines 50-63;
- "wherein the query is created by selecting a nearest word to a cursor" at Col. 3 line 64 to Col. 4 line 2;
- "providing the query to the search engine, the search engine searching the database for at least one image that is related to the indicated object" at Col. 1 lines 63-67;
- "returning the result from the query of the database, the result indicating when at least one image is related to the indicated object" at Col. 1 lines 63-67;
- "inserting of the related image into a document, so that the related image may be associated with the indicated object" at Fig. 12 and Col. 1 line 67 to Col. 2 line 3.

The difference between Ho and the invention of claim 51 is that Ho's method requires user to select a word from the list of concept matching words to create the

query, and therefore Ho does not teach: " the query is created without having a user make a selection for the query in a separate document". However, Murakami teaches a similar method for searching a database to obtain an object that is related to an indicated object in a document (Col. 4 line 5 to Col. 5 line 30), wherein "the query is created without having a user make a selection for the query in a separate document". Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ho's method to automate the step of "having a user to make a selection for the query in a separate document" as suggested by Murakami, in order to provide a more efficient method that reduces labor, time and burden on the user.

Ho and Murakami do not teach the step of: "indicating a related image is to be purchased over the network, financial information being provided to an electronic commerce service that enables the purchase of the related image when the financial information is complete".

However, Balogh teaches the cited steps as "if the user selects the pricing button from lightbox commands area or info screen commands area, pricing screen is displayed, enabling the user to purchase rights to, and obtain delivery of, selected images ..." at Col. 17 lines 25-65.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Ho and Murakami database searching method with Balogh's purchasing step so that "the user may order and obtain delivery of selected images directly over a computer connection" (Balogh, Col. 2 lines 5-7).

**As per claim 52**, Ho, Murakami and Balogh teach the method of claim 51 as discussed above. Ho also teaches: "the indicated object includes data, comprising video, picture, sound, and text" at Col. 9 lines 25-30.

**As per claim 53**, Ho, Murakami and Balogh teach the method of claim 51 as discussed above. Ho also teaches the following steps:

- "enabling a qualification engine to determine a context of the indicated object" at Col. 1 lines 50-65; and
- "employing the context of the indicated object to automatically create the query for the database" at Col. 1 lines 63-67.

7. **Claim 17 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Ho and Murakami as applied to claim 5 above, and further in view of Baru et al ("XML Based information Mediation for Digital Libraries.")

**As per claim 17**, Ho and Murakami teach the same as stated in claim 5 argument. Ho does not teach "the query's data structure include XML". However, Baru teaches: "the query's data structure include XML" at page 214, Col. 1. Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to implement Ho's invention using XML in order to provide a user-friendly query formulation and optimization.

### ***Response to Arguments***

8. Applicant's arguments filed June 30, 2004 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Applicant argued that Ho does not disclose or suggest: "the query is created by selecting the nearest word to the cursor". On the contrary, Ho teaches an embodiment in which the query is created by examining "each word in the document as it is inputted by the user. After the user **inputted a word**, the facility compares the **inputted word** to the concept matching words and allows the user to add an instance of graphics illustrating the concept referred to by the **inputted word**" (Col. 3 line 63 to Col. 4 line 2). Wester's New world Dictionary of Computer Terms, 6<sup>th</sup> edition, 1997, defines "cursor" as: "An on-screen blinking character that shows where the next character will appear." It is apparent that the last word inputted by the user is the nearest word to the cursor. Therefore, Ho teaches an embodiment in which the query is created by selecting the nearest word to the cursor as claimed.

In response to Applicant's argument that it is improper to combine Murakami with Ho because Murakami teaches away from the approach described in Ho, the Examiner respectfully submits that both Ho and Murakami references are in the field of applicant's endeavor. Both Ho and Murakami direct to the method for automatically inserting to a document a graphical image related to text of the document. The examiner relied on the Murakami reference to show that the extra step of selecting concept matching word as taught by Ho could be eliminated, as suggested Murakami. Murakami does not teach away and the combination of Ho and Murakami is therefore proper.

Applicant argued that Balogh does not describe nor suggest "when the related image is purchased, inserting the related image into the document". On the contrary, Ho teaches a method for retrieving an image from a database and inserting the image in to

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a document. Since Ho does not required user to pay for the image, the examiner relied on Balogh reference, which suggest adding the purchasing step before the image can be used (e.g., inserting into a document). The combination of Ho and Balogh is therefore teaches each and every limitation of the claim.

In light of the foregoing arguments, the 35 U.S.C 103 rejections are hereby sustained.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-

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4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham  
Examiner  
Art Unit 2167

December 28, 2004  
KBP

  
Primary Examiner